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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,111	06/04/2004	Michael H. Backman	00AN171 / ALBRP144USG	9857
7590	12/07/2004		EXAMINER	JONES, JUDSON
Susan M. Donahue Rockwell Automation 704-P, IP Department 1201 South 2nd Street Milwaukee, WI 53204			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/826,111	BACKMAN ET AL.	
	Examiner	Art Unit	
	Judson H. Jones	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 17-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 17-19,23-31 and 34-36 is/are rejected.
- 7) Claim(s) 20-22,32 and 33 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

This action is a supplemental office action with a restarted time period because the office action of 9/7/2004 was not for the claims as amended on 8/17/2004. Either those claims had not been scanned into the electronic file at that time or the examiner failed to see them. In either case, the amendment was timely filed and applicant is entitled to an office action for those claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 17-19, 23-31 and 34-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Binnard 6,650,079 B2. Binnard discloses a system for routing a stage along a selectable path with the paths. Each coil is viewed as being an intersection because the stage can move to a different row of coils at each coil. As shown in figure 1, stage 48 is on a path that includes the middle 4 rows of coils with the intersection being the second column of coils where the edge of stage 48 is located. The second path would be the 4 rows of coils nearest the top of the drawing and the third path would be the 4 rows of coils nearest the bottom of the drawing.

In regard to claims 18, 19 and 35, the top row of coils are the ones that direct the stage to the second path and the bottom row of coils are the ones that direct the stage to the second path.

In regard to claim 23, see Binnard column 1 lines 33-35.

In regard to claim 24, see Binnard figure 2.

In regard to claims 25-27, see Binnard column 13 lines 52-57. According to Merriam Webster's Collegiate Dictionary Tenth Edition copyright 1997 a bus bar is "a conductor of an assembly of conductors for collecting electric currents and distributing them to outgoing feeders." While Binnard does not use the word bus, the device does have currents applied to the coils by the use of amplifiers as described in the abstract lines 16-19. The element the amplifier is connected to in Binnard is viewed as being a bus. Since the Binnard device applies predetermined currents to the coils by means of the amplifiers, then the amplifier is controlling the magnitude and direction of a magnetic field. Therefore the amplifier of Binnard satisfies the claim language of comprising a switching device.

In regard to claims 28, 29 and 36, see Binnard see Binnard column 16 lines 24-29. The stage moves in one direction as the wafer is exposed by the lithography means. Then the stage would move back to the origin to start the process over again with another wafer.

In regard to claims 30, 31 and 34, see Binnard column 2 lines 45-49 for the position detection means and see Binnard figure 1 and see the rejection of claim 17 above.

Claims 20-22, 32 and 33 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose or teach a moveable bridge with armature windings disposed in the surface thereof in combination with the other features of claim 20. The prior art of record does not disclose or teach moving a plurality of stages sequentially along a path in combination with the other features of claim 32.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Judson H. Jones whose telephone number is 571-272-2025. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JHJ 12/2/2004

